

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

ELMER LEE JEFFERSON,

Plaintiff,

v.

ZEL M. FISCHER, et al.,

Defendants.

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No. 1:17-CV-179 SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff Elmer Lee Jefferson's "Notice Requesting Hearing on Motion for Temporary Restraining Order."<sup>1</sup> For the following reasons, plaintiff's motion will be denied.

On October 11, 2017, plaintiff filed a complaint alleging that his state court judgment should be nullified by this Court on the basis of fraud. Along with his complaint, plaintiff filed a motion for leave to proceed in forma pauperis.

A complaint brought in forma pauperis is subject to initial review by the Court under 28 U.S.C. § 1915(e). Under this statute, the Court shall dismiss the case if it determines the complaint is frivolous, malicious, or fails to state a claim on which relief may be granted. *Id.* Plaintiff's complaint and motion to proceed in forma pauperis are pending before the Court awaiting initial review. Once reviewed, if the Court finds plaintiff's complaint is not frivolous, not malicious, and states a claim on which relief may be granted, the Court will issue and serve process on defendants. *Id.* at § 1915(d).

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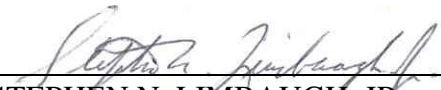
<sup>1</sup> The Court notes that plaintiff has not filed a motion for a temporary restraining order.

Because plaintiff's complaint is still awaiting initial review under § 1915(e), plaintiff's motion for a hearing on a temporary restraining order is premature and will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Notice Requesting Hearing on Motion for Temporary Restraining Order is **DENIED**. [ECF No. 6]

Dated this 5<sup>th</sup> day of February, 2018.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE